

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII
3

4 BERT MEYER,) CIVIL NO. 04-00049 HG/BMK
5) (In Admiralty)
6 Plaintiff,)
7 vs.)
8)
9 MATSON NAVIGATION COMPANY,)
INC.,)
Defendant.)

10
11 DEPOSITION OF BERT MEYER

12 Taken on behalf of the Defendant MATSON NAVIGATION
13 COMPANY, INC., at the law offices of Goodsill,
14 Anderson, Quinn & Stifel, 1099 Alakea Street, 1800
15 Ali'i Place, Honolulu, Hawaii 96813, commencing at
16 9:50 a.m., on Tuesday, August 31, 2004, pursuant to
17 Notice.

18
19 BEFORE: MYRLA R. SEGAWA, CSR No. 397
20 Notary Public, State of Hawaii
21
22
23
24

25 EXHIBIT "F"

1 APPEARANCES:

2
3 For Plaintiff BERT METER:

4 PRESTON EASLEY, ESQ.
5 2500 Via Cabrillo Marina, Suite 106
6 San Pedro, California 90731-7724

7 For Defendant MATSON NAVIGATION COMPANY, INC.:

8 JOHN R. LACY, ESQ.
9 Goodsill, Anderson, Quinn
& Stifel
10 1800 Alii Place
11 1099 Alakea Street
Honolulu, Hawaii 96813

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1 side of the photograph?

2 A Yes.

3 Q And then is there another container that is
4 in-shore of that particular container?

5 A Yes.

6 Q And was that the configuration of the
7 containers on the night of the accident?

8 A Yes.

9 Q And again, the padeye that you stepped on
10 is shown in kind of the center of the photograph?

11 A Yes.

12 Q If you could just mark it with a P again,
13 please.

14 A (Witness complies.)

15 Q The second padeye that's depicted there,
16 does that show a turn buckle through the padeye?

17 A Yes.

18 Q On the evening of the accident, was there a
19 turn buckle located in that padeye?

20 A I don't recall.

21 Q If the cone men had come through -- excuse
22 me, the lashing gang has come through and removed the
23 lashing, would they normally remove those turn
24 buckles?

25 A I think -- at this time no, only the one

1 that hung over the lid.

2 Q So on the night of the accident, you're
3 just not sure if there was a turn buckle there or
4 not?

5 A I'm not sure.

6 Q If there is a turn buckle there, you could
7 not place your foot in that area around the turn
8 buckle, correct?

9 A You wouldn't want to step on that. There
10 would be grease all over the turn buckle. This brown
11 stuff that's on the turn buckle is all grease.

12 Q Do you know on the night of the incident
13 whether there was any grease on the padeye that you
14 stepped on?

15 A I don't know.

16 Q Is there anything about the container
17 that's sitting there that's of any significance or
18 did it just happen to be there at the time you took
19 the photograph?

20 A It just happened to be there at the time I
21 took the photograph.

22 Q Now, while we're on photographs, let me
23 show you Exhibit 5 which is a photograph I think
24 Mr. Easley took during the inspection.

25 MR. EASLEY: Now we're getting to the

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C E R T I F I C A T E

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

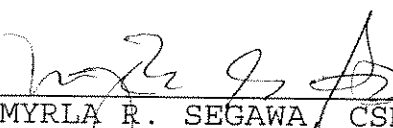
I, MYRLA R. SEGAWA, Notary Public, State of
Hawaii, do hereby certify:

That on Tuesday, August 31, 2004, at
9:50 a.m., appeared before me BERT MEYER, the witness
whose deposition is contained herein; that prior to
being examined he was by me duly sworn;

That the deposition was taken down by me in
machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents, to the best of my ability, a true and
correct transcript of the proceedings had in the
foregoing matter.

I further certify that I am not an attorney
for any of the parties hereto, nor in any way
concerned with the cause.

DATED this 13th day of September, 2004, in
Honolulu, Hawaii.


MYRLA R. SEGAWA, CSR NO. 397
Notary Public, State of Hawaii
My Commission Exp: 1-27-2005